

HOUSE BILL No. 1339

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-2-1.

Synopsis: Enhanced penalty for battery by choking. Increases the penalty for battery if the victim is choked. Adds a definition of "choking" for purposes of the battery statute.

Effective: July 1, 2005.

Thomas

January 13, 2005, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1339

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-42-2-1, AS AMENDED BY P.L.175-2003,
2 SECTION 2, AND AS AMENDED BY P.L.281-2003, SECTION 3, IS
3 CORRECTED AND AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A person who knowingly or
5 intentionally touches another person in a rude, insolent, or angry
6 manner commits battery, a Class B misdemeanor. However, the offense
7 is:

8 (1) a Class A misdemeanor if:

9 (A) it results in bodily injury to any other person;

10 (B) it is committed against a law enforcement officer or
11 against a person summoned and directed by the officer while
12 the officer is engaged in the execution of his official duty;

13 (C) it is committed against an employee of a penal facility or
14 a juvenile detention facility (as defined in IC 31-9-2-71) while
15 the employee is engaged in the execution of the employee's
16 official duty; ~~or~~

17 (D) it is committed against a firefighter (as defined in



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1 IC 9-18-34-1) while the firefighter is engaged in the execution
 2 of the firefighter's official duty; *or*
 3 *(E) it is committed against a community policing volunteer:*
 4 *(i) while the volunteer is performing the duties described in*
 5 *IC 35-41-1-4.7; or*
 6 *(ii) because the person is a community policing volunteer;*
 7 (2) a Class D felony if it results in bodily injury to:
 8 (A) a law enforcement officer or a person summoned and
 9 directed by a law enforcement officer while the officer is
 10 engaged in the execution of his official duty;
 11 (B) a person less than fourteen (14) years of age and is
 12 committed by a person at least eighteen (18) years of age;
 13 (C) a person of any age who is mentally or physically disabled
 14 and is committed by a person having the care of the mentally
 15 or physically disabled person, whether the care is assumed
 16 voluntarily or because of a legal obligation;
 17 (D) the other person and the person who commits the battery
 18 was previously convicted of a battery in which the victim was
 19 the other person;
 20 (E) an endangered adult (as defined in IC 12-10-3-2);
 21 (F) an employee of the department of correction while the
 22 employee is engaged in the execution of the employee's
 23 official duty;
 24 (G) an employee of a school corporation while the employee
 25 is engaged in the execution of the employee's official duty;
 26 (H) a correctional professional while the correctional
 27 professional is engaged in the execution of the correctional
 28 professional's official duty;
 29 (I) a person who is a health care provider (as defined in
 30 IC 16-18-2-163) while the health care provider is engaged in
 31 the execution of the health care provider's official duty;
 32 (J) an employee of a penal facility or a juvenile detention
 33 facility (as defined in IC 31-9-2-71) while the employee is
 34 engaged in the execution of the employee's official duty; ~~or~~
 35 (K) a firefighter (as defined in IC 9-18-34-1) while the
 36 firefighter is engaged in the execution of the firefighter's
 37 official duty; ~~or~~
 38 *(L) a community policing volunteer:*
 39 *(i) while the volunteer is performing the duties described in*
 40 *IC 35-41-1-4.7; or*
 41 *(ii) because the person is a community policing volunteer;*
 42 **or**

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- 1 **(M) the other person by choking;**
 2 (3) a Class C felony if it results in serious bodily injury to any
 3 other person or if it is committed by means of a deadly weapon;
 4 (4) a Class B felony if it results in serious bodily injury to a
 5 person less than fourteen (14) years of age and is committed by a
 6 person at least eighteen (18) years of age;
 7 (5) a Class A felony if it results in the death of a person less than
 8 fourteen (14) years of age and is committed by a person at least
 9 eighteen (18) years of age;
 10 (6) a Class C felony if it results in serious bodily injury to an
 11 endangered adult (as defined in IC 12-10-3-2); and
 12 (7) a Class B felony if it results in the death of an endangered
 13 adult (as defined in IC 12-10-3-2).
 14 (b) For purposes of this section:
 15 (1) "law enforcement officer" includes an alcoholic beverage
 16 enforcement officer; ~~and~~
 17 (2) "correctional professional" means a:
 18 (A) probation officer;
 19 (B) parole officer;
 20 (C) community corrections worker; or
 21 (D) home detention officer; **and**
 22 **(3) "choking" means the act of suffocating another person by**
 23 **constricting the windpipe.**

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